IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION.

SUIT No.2033 of 2004.

Urmila Eknath Bhoir & Ors **..Plaintiffs.**

V/s.

Eknath Ausha Bhoir & Ors **..Defendants.**

Ms. S.S. Chiparikar for plaintiffs.

Mr. Sunil Patil i/b M/s.Sunil & Co. for defendant No.9.

Mr. M.L. Palan i/b. Shantilal & Co. for defendant No.10.

Mr. Hasmukh A. Daruwalla for defendant No.6.

CORAM:S.C.DHARMADHIKARI,J.

DATED: 31st July, 2006.

P.C.:-

1] By consent of parties, Mr. Mahendra Damodar Vaithy, the uncle of the plaintiffs and brother of defendant No.6, is appointed as Next Friend of the plaintiff no.2 who is a minor.

2] I am informed that the suit has been settled and Minutes of Order were filed, incorporating the terms of settlement, in this Court by both sides on 20th October, 2005 in Notice of Motion No.2043 of 2004 taken out in this Suit.

3] Ms.Chiparikar, the learned Advocate appearing for the plaintiffs, states that the amounts under the Minutes of Order/Consent Terms have been paid of, inasmuch as the Pay Order has been handed over to the plaintiffs' Advocate towards the share of the plaintiff no.2/minor.

4] The Next Friend has filed an affidavit dated 14th July, 2006 recording that the terms are acceptable and they have been acted upon. He has submitted that the plaintiffs are to receive certain amounts under the Consent Terms and which would be required for the purposes set out in para 11 of the affidavit. The terms are executed in best interest and for the benefit of plaintiff no.2/minor. Pay order in the sum of Rs.10,33,333/-to be handed

over to the Prothonary and Senior Master of this Court during the course of this week. The said amount be invested appropriately by the Prothonary and Senior Master in the name of minor through his Next Friend Mr. Mahendra Damodar Vaithy.

5] Liberty to apply. The Prothonotary and Senior Master to act on an authenticated copy of this order.

6] Suit disposed of accordingly.

[S.C. DHARMADHIKARI,J]